

U.S. Patent Application 09/809,602
Request filed May 26, 2006
Reply to Office action of February 27, 2006

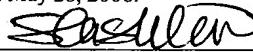
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Andrew W. Wilson)
Application No: 09/809,602) Group Art Unit: 2143
Filed: March 14, 2001) Examiner: Dennison, Jerry B.
For: Device Discovery Methods and) Atty. Docket No: ADAPP085A2
Systems Implementing the Same) Date: May 26, 2006

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on May 26, 2006.

Signed: 
Sylvia Castillo

REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Final Office Action of February 27, 2006 and the Advisory Action dated May 9, 2006, Applicant respectfully requests a pre-appeal review of the outstanding rejections in accordance with the Pre-Appeal Brief Conference Pilot Program announced on July 12, 2005 (1296 OG 67) which was extended on February 7, 2006 (1303 OG 21). In accordance with these procedures, Applicant respectfully submits that the present Application should be allowed for the reasons stated in the Remarks, which begin on the following page.

REMARKS

This Request is submitted in response to the Final Office Action of February 27, 2006 (hereinafter “the Office Action”) and the Advisory Action of May 8, 2006. All references herein to the claims, except as noted, will be made with reference to the claim list provided in the Request for Reconsideration submitted April 7, 2006. References to line numbers in the Office Action, except as noted, will count every printed line, except the page header, but including section headings. If there is any confusion or questions regarding any aspect of this Request, the Examiner and other officials reviewing this Request are invited to contact the undersigned.

For the purposes of this Request, only the primary arguments directed to the independent claims are presented herein. Additional arguments, e.g., directed to the subject matter of the dependent claims, may be presented if and when the case proceeds to Appeal.

Summary

Applicant respectfully submits that the Final Office Action of February 27, 2006 is improper because:

- 1) With regard to the rejection of claim 1 under 35 U.S.C. § 112, claim 1 could not be more clear in stating that the information regarding the previously registered target that has reregistered since the previous multicast is sent out in the next multicast, and that the information notifies other initiators to maintain the previously registered target on the list of targets.
- 2) With regard to the prior art rejections under 35 U.S.C. § 103(a) of claims 1-4, 8-16, and 20-27, the Examiner has made improper inferences as to what is taught or suggested by primary references Caronni and Satran.

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph and independent claims 1, 11, 21, and 23 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 6,049,878 to Caronni et al. (“Caronni”) in view of U.S. Patent 6,507,586 to Satran et al. (“Satran”).

Independent Claim 1

1. Rejection under 35 U.S.C. § 112, second paragraph

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph, because “[i]t is unclear if the target is notifying other initiators, or if the multicast includes information that notifies other initiators” (Office Action, page 2, lines 16-18). Applicant respectfully disagrees. As is made clear by claim 1, “the next multicast includes information regarding the previously registered target when the previously registered target is determined to have re-registered since the multicasting of the signal.” Thus it is clear from the claim that the multicast includes information that notifies the other initiators. Applicant remains mystified as to source of the Examiner’s confusion on this point. The change proposed by the Examiner in the Office Action (page 2, lines 18-19) is unacceptable to Applicant because it would insert a comma between a subject and a verb that defines the action performed by subject. That is, the Examiner suggestion of changing “the information regarding the previously registered target notifying other initiators to maintain the previously registered target on the list of targets” to “the information regarding the previously registered target, notifying other initiators to maintain the previously registered target on the list of targets” would breakup a phrase that specifies a subject, i.e., “information regarding the previously registered target” and the action performed by the subject, i.e., “notifying other initiators to maintain the previously registered target on the list of targets”. This use of a comma would be improper English grammar.

2. Rejection under 35 U.S.C. § 103(a)

Claim 1 sets forth, inter alia, “removing the previously registered target on a list of active targets connected to the network when the previously registered target has not re-registered within a selected re-registration interval” (lines 6-8). The Office Action admits that this feature is not shown by Caronni (page 5, line 23 to page 6, line 3) but suggests that, “[i]t would have been obvious . . . that the reason for sending out the heartbeat messages to the group is to remove non-active members. If the participant does no[t] respond to the heartbeat message, the participant is not active and would therefore be removed from the group” (Office Action, page 4, lines 9-13).

Applicant respectfully suggests that the Examiner is mistaken in his assertion regarding “the reason for sending out the heartbeat messages.” Caronni makes clear that the heartbeat messages are sent out for “periodically announcing public key parameters and an

access control contact address” (claim 11, paragraph 6) for the purpose of enabling *new participants* to join the group (col. 7, lines 7-15). Applicant has carefully reviewed Caronni for any possible support to the Examiner’s statements with regard to Caronni and could not find any basis for them.

In addition to the remarks regarding Caronni, the Examiner points to Satran, suggesting that the “group directory” mentioned by Satran is analogous to the list of active targets set forth in claim 1 (Office Action, page 4, lines 14-17). Applicant has carefully reviewed Satran for support for such a conclusory statement, and again, could not find any such basis. Instead, Applicant found that Satran’s “group directory” is not a directory of group members, but a list of groups that can be joined by a particular multicast receiver. See col. 4, lines 16-41.

Since neither Caronni nor Satran teach or suggest “removing the previously registered target on a list of active targets connected to the network when the previously registered target has not re-registered within a selected re-registration interval” as set forth in claim 1, Applicant respectfully submits that claim 1 is allowable over both Caronni and Satran.

Independent Claim 11

Claim 11 sets forth the limitations of “receiving a unicast from a new target recently connected to the network; adding the new target to a list of targets connected to the network; and sending out a next multicast to other initiators, the next multicast including information regarding the new target” (lines 4-7). For the same reasons mentioned above with respect to claim 1, Applicant respectfully submits that these limitations are not taught or suggested by the prior art of record.

Independent Claims 21 and 23

Claim 21 includes a list of targets (line 7) and a multicast that includes information regarding the maintaining and adding of targets to the network (lines 10-11). For the reasons described above with respect to claim 1, none of the references cited teach these features. Therefore, Applicant respectfully submits that claim 21 should be allowed.

Claim 23 includes the limitation of “at least one slave initiator, the at least one slave initiator configured to receive target information from the multicasts. Applicant respectfully submits that none of the references teach or suggest receiving target information from multicasts. Therefore, claim 23 should be allowed over the prior art of record.

Examiner's Responses

The Examiner's arguments presented on pages 8 and 9 of the Office Action do not address what Applicant regards as deficiencies of the prior art. For example, the Examiner suggests that since Caronni discloses participants able to rejoin a multicast group through a the group key manager, Caronni therefore teaches "reregistering by targets" (page 8, lines 17-20). However, Applicant does not simply claim, "reregistering by targets" but claims "removing the previously registered target on a list of active targets connected to the network when the previously registered target has not re-registered within a selected re-registration interval" and "when the previously registered target is determined to have re-registered since the multicasting of the signal . . . maintain the previously registered target on the list of targets." The Examiner has not shown where or how the cited references teach or suggest the limitations set forth in the claims.

Conclusion

In view of the foregoing, the Applicant respectfully submits that all of the pending claims are in condition for allowance. The Applicant kindly requests that the Office withdraw the rejections of claims 1-21, and issue a Notice of Allowance. If the Office has any questions concerning the present Request, the undersigned can be reached at (408) 774-6914. If any additional fees are due in connection with filing this Request, the Commissioner is authorized to charge Deposit Account No. 50-0805 (Order No. ADAPP085A2). Enclosed herewith is the associated Notice of Appeal and Return Receipt Postcard.

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP


Leonard Heyman
Reg. No. 40,418

MARTINE PENILLA & GENCARELLA, LLP
710 Lakeway Drive, Suite 200
Sunnyvale, California 94086
Tel: (408) 749-6900 Ext. 6933
Customer Number 25920